

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILMER REYES,	:	
	:	
Petitioner,	:	Civ. No. 20-13570 (NLH)
	:	
v.	:	MEMORANDUM ORDER
	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Respondents.	:	

APPEARANCE:

Wilmer Reyes
635216E
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105

Petitioner Pro se

HILLMAN, District Judge

WHEREAS, Petitioner Wilmer Reyes seeks to bring an amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his October 21, 2016 guilty plea in the Superior Court of New Jersey, Law Division, Camden County, see ECF No. 4; and

WHEREAS, Section 2254 states in relevant part that "[a]n application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State." 28 U.S.C. §

2254(b)(1)(A). "An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented." 28 U.S.C. § 2254(c); and

WHEREAS, the petition indicates that Petitioner has not presented his claims to all levels of the New Jersey state courts, see ECF No. 4 at 3-6; and

WHEREAS, this matter cannot proceed in federal court until Petitioner has presented his claims in the state courts; and

WHEREAS, unless Petitioner can show that there are no state court remedies available to him, the Court shall stay the § 2254 proceedings until Petitioner has given the state courts an opportunity to rule on his claims,

THEREFORE, IT IS on this 30th day of October, 2020

ORDERED that within 30 days of this Order, Petitioner shall show cause in writing why the petition should not be stayed pending state court exhaustion; and it is finally

ORDERED that the Clerk of the Court shall serve Petitioner with a copy of this Order via regular mail.

At Camden, New Jersey

s/Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.